

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-207714

DATE: June 14, 1982

MATTER OF: Home Therapy Equipment, Inc.

DIGEST.

Where neither Small Business Act nor applicable regulations mandate set-aside of particular procurement for small business, decision whether to set aside procurement is within discretion of contracting agency.

Home Therapy Equipment, Inc., protests the Veterans Administration's (VA) failure to set aside for small business Invitation for Bids no. 500-65-82 for oxygen and oxygen related equipment. We summarily deny the protest.

With certain exceptions not relevant here, there is nothing in the Small Business Act or procurement regulations which makes it mandatory that any particular procurement be set aside for small business. While the Government's policy is that a fair proportion of purchases be placed with small business concerns, the decision whether a particular procurement should be set aside for small business essentially is one within the discretion of the contracting activities. A and W Products, B-207063, April 27, 1982, 82-1 CPD 394. Therefore, we cannot legally object to the VA's failure to set aside this procurement.

The protest is summarily denied.

Sheldon J. Fowler
Acting Comptroller General
of the United States